



Election
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZAUDERER *et al.*

Appl. No. 09/824,787

Filed: April 4, 2001

For: **Gene Differentially Expressed in
Breast and Bladder Cancer, and
Encoded Polypeptides**

Confirmation No. 2970

Art Unit: 1642

Examiner: Harris, Alana M.

Atty. Docket: 1821.0040001/EKS/TJS

Reply To Requirement For Election Of Species

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

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In reply to the Office Action dated May 6, 2003, Applicants hereby provisionally elect the C35 peptide epitope identified as amino acids I-105 to V-113 of SEQ ID NO:2. Claims 38-46, 81, 83, 84, 119, 121-123, 158, and 160-166 read on such species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). This election is made **without traverse**. Consideration and allowance of all pending claims, are respectfully requested.

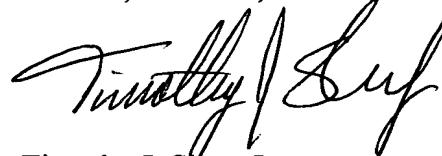
In view of this provisional election, Applicants have organized the independent claims in the accompanying Preliminary Amendment to include peptide epitopes having the same priority dates to aid in examination. Thus, Applicants respectfully request examination

of a reasonable number of peptide epitopes, notwithstanding the fact that they are recited in six independent claims (claims 38, 84, 123, 167, 185, and 196).

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: June 6, 2003
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